

Statement of the Honorable Fred Upton  
Chairman, Committee on Energy and Commerce  
Subcommittee on Communications and Technology  
Hearing on “Reforming FCC Process”  
June 22, 2011  
*(Remarks Prepared for Delivery)*

The communications and technology sector is one of the largest drivers of our economy. At a time when overall job creation remains weak and burdensome rules and red tape are keeping job creators on the sidelines, we should be doing everything we can to unleash the creativity and innovative potential of this sector. Eliminating outmoded rules, removing regulatory barriers, and refraining from imposing new ones on this segment of our economy could do a lot to help spur jobs and help pull us out of our fiscal doldrums.

Chairman Genachowski appears to recognize this. While the proof will be in the pudding, he is at least saying he plans to abide by the president’s executive order on regulatory reform, even though independent agencies are not required to do so. My hope is that he will submit to us and the administration the formal plan requested by the Office of Information and Regulatory Affairs to implement the executive order.

If we want to improve the regulatory environment, process reform is an obvious place to start. The FCC’s decisions can only be as good as its process. While the FCC has taken steps to improve the way it conducts its business, more can be done. Today, we will examine a draft proposal to set statutory baselines to ensure this and all future commissions address all issues with the same minimum sound practices.

Consistency and transparency not only produce better decisions, they help create confidence and certainty that will promote investment, innovation, and jobs. An expert, independent agency should also be engaging in objective analyses. If it looks like the FCC is prejudging an issue and justifying predetermined outcomes after the fact, the agency looks political and the public loses faith in its objectivity and expertise.

It is important to recognize that this staff draft preserves much of the agency’s flexibility. Indeed, in most cases, it simply directs the FCC to set its own rules on these matters. My sense is it strikes the right balance, but I of course welcome input from my colleagues and the witnesses. My hope is that we can produce strong legislation that enjoys bipartisan support.

I thank the witnesses and look forward to their testimony.

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